

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

JUANA CRUZ, OFELIA )  
BENAVIDES, JOSE ELIAS )  
N.G, GABRIELA VELAZQUEZ, )  
HELESIO CRUZ, ANGELICA )  
CHAVEZ, CONCEPCION PEREZ, )  
OLGA PEREZ, MAVRIGO )  
SAENZ, JORGE MAOLEON, )  
HECTOR SANCHEZ, HECTOR )  
GONZALEZ, YESSY PEREZ )  
MARTINEZ, MARIA DE )  
LOURDES CRUZ, RESENDO )  
LIEVANOS, ELIZABETH LARA, )  
LUIS ALBERTO ZUNIGIA )  
CASTILLO, MIGUEL )  
CABALLERO SANCHEZ, CARLOS )  
DANIEL LOPEZ, GILDA )  
RIVAS, ARMANDO MORALES DE )  
LLANO, LAZARO GARCIA, )  
MARIA DE JESUS MEDINA, )  
RICHARD ESQUIVEL, RAFAEL )  
SANCHEZ, GUILLERMO RUIZ, )  
ROSA QUINTANILLA, )

PLAINTIFFS, )

VS. )

DELGAR FOODS, LLC A/K/A )  
DELIA'S TAMALES, )

DEFENDANT. )

CASE NO: 7:23-CV-00343

JURY DEMANDED

\*\*\*\*\*

ORAL DEPOSITION OF  
MIGUEL CABALLERO  
June 26, 2024

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ORAL DEPOSITION of MIGUEL CABALLERO,  
produced as a witness at the instance of the Defendant,  
and duly sworn, was taken in the above-styled and

1        numbered cause on the 26th day of June 2024, from  
2        9:02 a.m. to 10:43 a.m., before Priscilla R. Maldonado,  
3        CSR, in and for the State of Texas, reported by  
4        stenograph, at the Law Offices of Ricardo Gonzalez, 124  
5        S. 12th Ave, Edinburg, Texas, pursuant to the Federal  
6        Rules of Civil Procedure and the provisions stated on  
7        the record or attached.

A P P E A R A N C E S

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ALSO PRESENT:

NICOLAS GIBLER, INTERPRETER  
ARMANDO MORALES, PLAINTIFF  
LUIS ZUNIGA, PLAINTIFF  
ELIAS GUTIERREZ, PLAINTIFF  
OLGA PEREZ, PLAINTIFF

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1 Q. Do you know who set your work schedule?

2 A. The supervisor was the one that gave me the  
3 schedule.

4 Q. And when you said supervisor in response to  
5 those two questions that I just asked you, you're  
6 talking about Mr. Briones?

7 A. Yes.

8 Q. Do you know who made the decision to pay you a  
9 bonus?

10 A. Well, I would assume it would be Ms. Delia.

11 Q. Do you know that for sure?

12 A. No.

13 Q. So you're just guessing?

14 A. No.

15 Q. What -- what would make you think that  
16 Ms. Delia would be the one to decide to pay you a bonus?

17 A. Well, because she's the owner.

18 Q. Did -- and we're talking about Delia Garza,  
19 Delia Lubin, correct?

20 A. Delia Garza.

21 Q. And -- and we can call her Ms. Delia? Is that  
22 fine?

23 A. Yes.

24 Q. All right. Do you know if Ms. Delia set your  
25 wage, decided what benefits you'd get, anything related

1 to your employment?

2 A. No.

3 Q. And she never came to you and asked you or told  
4 you about those things, true?

5 A. No.

6 Q. No, that's not correct? Or no, she did not?

7 A. No. She never approached me to tell me  
8 anything.

9 Q. And you never saw her or heard her do that with  
10 any other employee, true?

11 A. No.

12 Q. When was the last time you spoke to Ms. Delia,  
13 if you remember?

14 A. In fact, we didn't talk. I mean, when she  
15 ever -- ever got there at one point or another, it would  
16 simply be a brief greeting, you know? Good morning,  
17 hello, how are you? That's it.

18 Q. And when is the last time that occurred?

19 A. The truth is I don't remember.

20 Q. Covid was in 2020, right?

21 A. Yes.

22 Q. Was it before or after Covid?

23 A. Afterwards.

24 Q. But you don't recall when?

25 A. No.

1 Q. And when she came in and said hello, was she  
2 buying -- getting tamales?

3 A. Yes. I -- I bumped into her in the front, at  
4 the cashier's -- at the register.

5 Q. And she was just visiting; is that fair?

6 A. The lady or Ms. --

7 Q. Ms. Delia. I'm sorry.

8 A. Yes.

9 Q. When you started receiving a paycheck, was that  
10 a physical check you received or was it a direct deposit  
11 into a bank account?

12 A. Well, the first ones were actually physical  
13 checks that they gave me. But then afterwards, I opened  
14 a bank account and they would make a direct deposit to  
15 it.

16 Q. Once you started receiving a paycheck from  
17 Delia's, a -- an actual check -- let me -- let me ask it  
18 a different way.

19 From 2017 until -- from 2017, when the pay  
20 system was put into place until the end of your  
21 employment, the only pay you received from Delia's was  
22 by check, correct?

23 A. Yes.

24 Q. And you got pay stubs related to those checks  
25 and deposits?



1 Q. Okay.

2 A. I only was there, he asked me the questions,  
3 and then I signed this.

4 Q. Okay. Fair enough. And is that the same thing  
5 for the last page of Exhibit 1?

6 A. Yes. The date -- the signature is mine, but  
7 the date was put in by the gentleman.

8 Q. And when you signed this document, you  
9 understood that it was being signed as a declaration  
10 under -- under oath?

11 A. Yes.

12 Q. And you understood the answers that were listed  
13 in 1 through 9, and felt comfortable with them before  
14 signing Exhibit 1 as a declaration?

15 A. Yes.

16 Q. Thank you. An allegation that has been made in  
17 this case is that Delia's kept two sets of books. Do  
18 you know anything about that?

19 A. No.

20 Q. Okay. And you never saw two sets of books  
21 while working at Delia's, correct?

22 A. No.

23 Q. And more specifically, between the years of  
24 2017 until your employment ended May 2, 2023?

25 A. No. No.